

MELVIN CHAILLAND,)
)
 Plaintiff,)
)
 vs.) Case No. 1:05CV147 HEA
)
 HARTFORD LIFE INSURANCE)
 COMPANY,)
)
 Defendant.)

This matter is before the Court on defendant's Motion to Dismiss Pursuant to Fed.R.Civ.P. 41(b), [Doc. # 11]. Plaintiff has not responded to the motion within the prescribed time period.¹ For the reasons set forth below, the Motion is granted.

¹ Pursuant to the Court's Local Rules, failure to respond to a motion may be construed as a concession of the merits of the motion.

complaint.

Rule 41(b) of the Federal Rules of Civil Procedure provides that a defendant may move for a dismissal of an action, *inter alia*, for failure of a plaintiff to comply with a court order. This rule further provides that the requested dismissal operates as an adjudication on the merits. Defendant has so moved, and plaintiff has failed to respond in any way to the Court's Order and to defendant's Motion. The motion is well taken.

Accordingly,

IT IS HEREBY ORDERED that defendant's Motion to Dismiss Pursuant to Fed.R.Civ.P. 41(b), [Doc. # 11] is granted.

IT IS FURTHER ORDERED that this matter is dismissed with prejudice.

Dated this 17th day of January, 2006.



HENRY EDWARD AUTREY

UNITED STATES DISTRICT JUDGE